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09/881,743

06/18/2001

Eric Scott Lancaster

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/881,743             |  | LANCASTER ET AL.    |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Jennifer Liversedge    |  | 3692                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 71-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 71-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/881,743 filed on September 12, 2006.

The amendment contains new claims: 71-96.

Claims 1-70 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 71-76, 79-87 and 90-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,324,524 B1 to Lent et al. (further referred to as

Lent), and further in view of "New CD scores credit card" in Bank Rate Monitor (further referred to as Bank Rate Monitor).

Regarding claims 71-73, 76, 79-84, 87, 90-96, Lent discloses a method and system comprising generating a set of offers for a credit card account, each offer including a characteristic of the credit card account; presenting the set of offers; receiving a selection of an offer from the set of offers; and processing an application for the credit card account in accordance with the selection (Figures 10C, 11, 12; column 2, lines 23-43; column 4, lines 45-51; columns 15, line 30 – column 16, line 60; column 17, lines 52-57).

Lent does not disclose offering a non-credit card account (CD account) wherein the characteristics of the credit card account at least partially depends on the interest rate or the time period associated with the non-credit card account (CD account) and wherein the interest rate or time period of the non-credit card account (CD account) at least partially depend on the characteristics of the credit card. However, Bank Rate Monitor discloses offering a non-credit card account (CD account) wherein the characteristics of the credit card account at least partially depends on the interest rate or the time period associated with the non-credit card account (CD account) and wherein the interest rate or time period of the non-credit card account (CD account) at least partially depend on the characteristics of the credit card (see article). It would be obvious to one of ordinary skill in the art to modify the presentation of conditional credit card offers as disclosed by Lent with the addition of a non-credit card account as

disclosed by Bank Rate Monitor. The motivation would be to provide a form of risk reduction. Lent offers a matrix of various rates and terms for credit card accounts based on a various balance transfer values and creating a linkage between the transactions. Bank Rate Monitor offers rates and terms for credit cards and non-credit card accounts (CD account) based on linking the accounts, such that the rates and terms of one component are determined at least in part based on another component. Offering a non-credit card account (CD account) as disclosed by Bank Rate Monitor associated with a credit card account would be an obvious modification to Lent where lent discloses conditional offers for credit card accounts based on transferring a financial value conditionally for rates on the credit card account.

Regarding claims 74-75 and 85-86, Lent and Bank Rate Monitor do not specifically disclose the method and system wherein offers for non-credit card accounts and credit card accounts are made at increased interest rates and at decreased interest rates. However, it would be obvious to one of ordinary skill in the art that interest rates can be set at current market rates, increased interest rates and decreased interest rates. When establishing financial accounts and establishing credit, etc., it is well known in the industry that interest vary based on many functions, including customer credit bureau information, down payments provided, customer risk of default and credit rating, lenders cost of capital, etc. The motivation for offering current market rates, increased interest rates and decreased interest rates would be based on meeting internal financial objectives while attracting customers to participate in various accounts

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based on account status and activity. Lent discloses interest rates set based on such factors as described above, and Bank Rate Monitor discloses where rates on credit cards are charged relative to prime, and where interest rates on CDs are earned relative to T-bills.

Claims 77-78 and 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent and Bank Rate Monitor as applied to claims 71 and 82 above, and further in view of "Flexible friends cut their costs" by Robert Winnett (further referred to as Winnett).

Neither Lent nor Bank Rate Monitor disclose a credit card usage requirement where the interest rate or time period associated with the non-credit card account at least partially depends on the credit card usage requirement. However, Lent and Bank Rate Monitor both disclose where the terms of requirements of linked accounts or components are based on the rates and/or terms of other therein linked components and the variables contained therein, such as interest and time, as has been discussed in above claims. Winnett discloses where interest is charged based on usage requirements and charged if those requirements are not met (page 2). It would be obvious to one of ordinary skill in the art to modify the variable-rate linked components as disclosed by Lent and Bank Rate Monitor to adapt the use of including usage requirements as a factor in determining the variable rates associated with linked components. The motivation would be that usage requirements are old and well known in determining credit card interest rates and/or fees and thus as one factor in credit

cards, would be linked by the variables to consider when combining credit card accounts and non-credit card accounts. Each factor that affects the terms and conditions of one linked account plays a role in the overall package offered to the client.

### ***Response to Arguments***

Applicant's arguments with respect to claims 71-96 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

"Smart Money Credit Card Security – at a price applicants with past debt problems can provide own collateral" by Jerry Morgan. Morgan discloses secured credit cards for which the interest rates for both the credit card account and non-credit card account (CD accounts) used to secure the credit card account contain interest rates and terms which are dependent on each other.

US Patent 6,226,623 B1 to Schein et al. discloses a system of opening and maintaining client accounts whereby clients with certain existing accounts are offered preferred rates based on what accounts they already have established and what accounts they are opening, creating linked accounts.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.




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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER